

**PUBLIC NOTICE: 2013-12**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT  
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER  
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON  
THESE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS  
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA  
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR  
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE  
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S  
“CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE  
ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR  
SUSPENSION OF PERMITS”, 40 CODE OF FEDERAL REGULATIONS PART 22.**

**THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF CITY ISLAND MARINA, LLC THE OWNER AND/OR OPERATOR OF THE FACILITY LOCATED AT 521 CITY ISLAND MARINA, LLC, DOCKET NO. CWA-02-2012-3007; PROPOSED PENALTY: \$1,500.00, FOR FAILURE TO OBTAIN COVERAGE UNDER A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE PERMIT AND FOR FAILURE TO MONITOR AND REPORT AS REQUIRED BY SAID PERMIT.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK, KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16<sup>TH</sup> FLOOR, NEW YORK, NEW YORK 10007-1866, (212) 637-3247. UNLESS OTHERWISE NOTED, THE**

**ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE  
EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN  
FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL  
INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF  
THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW  
RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL  
ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS  
PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.**

**DATED: APRIL 9, 2013     DORE LAPOSTA, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**